

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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IN RE: METHYL-TERIARY BUTYL
ETHER ("MTBE") PRODUCTS
LIABILITY LITIGATION

This Document Relates to:
County of Suffolk, et al. v. Amerada Hess Corp., et al., No. 04-CIV-5424

MDL 1358
Master File C.A. No. 1:00-1898 (SAS)
M21 - 88

**JOINT STIPULATION BETWEEN PLAINTIFFS AND
CERTAIN DEFENDANTS TO STAY DISCOVERY
AND PRE-TRIAL OBLIGATIONS**

Plaintiffs County of Suffolk and Suffolk County Water Authority (hereinafter the "Plaintiffs") and the following defendants hereby submit this joint proposal to stay certain discovery: Amerada Hess Corp.; Marathon Petroleum Company LLC; Marathon

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation
Oil Co., Atlantic Richfield Co., BP Products North America, Inc.; Chevron

Doc. 1638

Environmental Corp.; Chevron U.S.A. Inc.; Texaco Refining and Marketing Inc.; Texaco Inc.; CITGO Petroleum Corporation; CITGO Refining and Chemicals Company L.P.; PDV Midwest Refining, L.L.C.; Coastal Eagle Point Oil Co.; ConocoPhillips Co.; Tosco Corp.; El Paso Merchant Energy Petroleum Co.; Equilon Enterprises LLC; Motiva Enterprises, LLC; Shell Oil Company; Shell Oil Products Company; Shell Oil Products Company LLC; Shell Trading (US) Company; Shell Petroleum Inc.; TMR Company; Texaco Refining and Marketing Inc.; Texaco Refining and Marketing (East) Inc.; Flint Hills Resources, LP; Sunoco Inc.; Sunoco Inc. (R&M); The Premcor Refining Group

Inc.; Valero Energy Corp.; Valero Marketing and Supply Co.; Valero Refining and Marketing Co.; Valero Refining Co. (collectively the "Stipulating Defendants").

It is hereby AGREED and STIPULATED among Plaintiffs and the Stipulating Defendants that:

1. All discovery involving the Stipulating Defendants in the above-captioned action shall be stayed effective December 7, 2007;
2. Any depositions of witnesses produced or retained exclusively by one or more Stipulating Defendants scheduled but not yet taken shall be cancelled without prejudice to such depositions being taken after February 1, 2008 at the option of either Plaintiffs or the Stipulating Defendants;
3. Stipulating Defendants may refrain from appearing, by or through counsel, at depositions of witnesses subpoenaed, produced or retained by the Plaintiffs without prejudice to Stipulating Defendant(s)' rights to reopen such depositions after February 1, 2008 to examine such witnesses on questions not asked during the previously concluded depositions;
4. The Plaintiffs and the Stipulating Defendants shall refrain, at least until February 1, 2008, from filing and serving papers relating to issues that are specific to a Stipulating Defendant, such as a Stipulating Defendant's exculpation motion, witness and trial exhibit lists, and deposition page-line objections and counter-designations by or relating to a Stipulating Defendant, that would otherwise be due pursuant to the Court's scheduling

orders. If, as of February 1, 2008, the trial date in the above-captioned action is set for April 7, 2008, Plaintiffs shall serve revised designations by February 22, 2008 of any deposition testimony Plaintiffs intend to use at trial in the Suffolk case from employees or former employees of the Stipulating Defendants, and all Defendants shall serve responsive objections and counter-designations by March 14, 2008. If, as of February 1, 2008, the trial date in the above-captioned action is set for April 21, 2008, Plaintiffs shall serve revised designations by February 29, 2008 of any deposition testimony Plaintiffs intend to use at trial in the Suffolk case from employees or former employees of the Stipulating Defendants, and all Defendants shall serve responsive objections and counter-designations by March 28, 2008. (These extensions shall not apply to any deadline for objections and counter-designations regarding testimony designated from employees or former employees of parties other than Stipulating Defendants.)

5. Should further pretrial proceedings involving the Stipulating Defendants prove necessary after February 1, 2008, then the Stipulating Defendants shall have an additional ~~30~~ days from that point to comply with any pretrial deadlines that fall between December 7, 2007 and February 2, 2008, and Plaintiffs shall have an additional ~~30~~ days thereafter to comply with any responsive pre-trial deadlines insofar as they relate to the Stipulating Defendants.

ON BEHALF OF PLAINTIFFS COUNTY
OF SUFFOLK AND SUFFOLK COUNTY
WATER AUTHORITY:

Dated: January 16, 2008

Robert Gordon, Esq.
Robin Greenwald, Esq.
WEITZ & LUXENBERG, P.C.
180 Maiden Lane
New York, NY 10038

ON BEHALF OF THE STIPULATING
DEFENDANTS:

Dated: January 16, 2008

Steven L. Leifer
Steven L. Leifer
BAKER BOTTS LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004-2400

SO ORDERED:

Shira A. Scheindlin
U.S.D.J.